

Law Papers 2006

**FEDERAL PUBLIC SERVICE COMMISSION
COMPETITIVE EXAMINATION FOR RECRUITMENT TO POSTS
IN BPS – 17 UNDER THE FEDERAL GOVERNMENT, 2006.**

LAW, PAPER - I

**TIME ALLOWED: THREE HOURS
MAXIMUM MARKS:100**

NOTE: Attempt ONLY SIX questions in all, including question No. 10 which is COMPULSORY and carries 20 marks. All other questions carry EQUAL marks i.e. 16 each. Attempt at least one question from each of the parts.

PART – “A” (CIVIL PROCEDURE CODE)

Questions:

1. What is 'Constructive res judicata'? Elaborate.
2. What is 'review'? Which court has the jurisdiction to entertain an application for review?
3. What do you understand by:
(a) Administrative Transfer (b) Judicial Transfer of suits

PART – “B” (CONTACT ACT)

4. When the object of a contract is unlawful? Explain.
5. Write short notes on:
(a) Agency
(b) Principal debtor
(c) Effect of fraud on validity of contract.
6. Explain the rights of surety in a contract of guarantee?

PART – “C” (LAW OF TORT)

7. What do you understand by the law of negligence? What are the essentials of Negligence?
8. Write short notes on:
(a) Trespass ab initio
(b) Public Nuisance
(c) Vicarious Liability
9. In the context of Trespass to person discuss Battery and False imprisonment.

COMPULSORY QUESTION

10. Write only the correct answer in the Answer Book. Do not reproduce the questions.

- (1) A statute is to be interpreted in accordance with:
(a) The rules of the business

- (b) The intention of the legislature
- (c) The body of statute
- (d) None of these

(2) Where the language of the enactment is not precise:

- (a) Recourse can be had to external considerations
- (b) Precise meanings will be probed.
- (c) None of these

(3) Defendant is the person who:

- (a) Files a suit
- (b) Delays a suit
- (c) Defends a suit
- (d) None of these

(4) A suit means:

- (a) Any criminal proceeding in a court of law
- (b) A cause of action
- (c) Any civil proceeding, being part of a plaint
- (d) None of these

(5) In civil suit, Oath is administered to:

- (a) Lawyer
- (b) Witnesses
- (c) Plaintiff
- (d) None of these

(6) Preliminary decrees are normally:

- (a) Non determinative of issues
- (b) Determinative of controversies of fundamental nature
- (c) Neither

(7) The maxim "Ubi jus ibi remedium":

- (a) is a fundamental principle of law
- (b) is obiter dicta
- (c) is an obsolete principle of law
- (d) None of these

(8) The general rule is that civil court have jurisdiction to try all civil suits:

- (a) True
- (b) False

(9) The court cannot treat a revision as an appeal or an appeal a revision:

- (a) True
- (b) False

(10) The term consideration does not necessarily mean payment of money/cash consideration only:

- (a) True
- (b) False

(11) In order to convert a proposal into a promise:

- (a) The acceptance must be conditional

- (b) The acceptance is not relevant
- (c) The acceptance must be absolute

(12) The contract Act is:

- (a) Act of 1908
- (b) Act of 1912
- (c) Act of 1872
- (d) Act of 1868

(13) Duty is cast by the law upon a person whom an offer is made to reply to that offer:

- (a) True
- (b) False

(14) All agreements are contracts:

- (a) If they are on stamp paper
- (b) If they are made by the free consent of parties
- (c) If they are registered
- (d) None of these

(15) Law of Tort(s) is a:

- (a) Part of law of Contract
- (b) Dependant of Contract
- (c) Civil wrong, independent of contract

(16) Libel is a defamatory statement published:

- (a) In verbal form
- (b) In permanent form
- (c) None of these

(17) Legal duty of care, breach of duty and consequential damage/loss?

- (a) are essential elements of negligence
- (b) are useful elements in tort of negligence
- (c) are not related to negligence

(18) Total restraint constitute false imprisonment:

- (a) True
- (b) False

(19) Injuria sine damno means:

- (a) loss without violation of right
- (b) Infringement of legal right with loss
- (c) Infringement of legal right without loss

(20) Public Nuisance is exclusively a Tort:

- (a) True
- (b) False

LAW, PAPER - II

**TIME ALLOWED: THREE HOURS
MAXIMUM MARKS: 100**

NOTE: Attempt SIX questions in all, including question No. 10 which is COMPULSORY and carries 20 marks. All other questions carry EQUAL marks i.e. 16 each. Attempt at least one question from each of the PARTS A, B, and C.

PART – “A” (QANOON-E-SHAHADAT ORDER)

1. Discuss the safeguards given in Qanun-e-Shahadat ordinance 1984 for the confession of the accused to become admissible in evidence.
2. What is “Burden of proof”, on whom it lies? Could this burden be shifted?
3. Write short notes on:
(a) Shahada ala al Shahada (b) Estoppel

PART – “B” (CRIMINAL PROCEDURE CODE)

4. Discuss the power of High Court regarding illegal and improper detention of a person under Criminal Procedure Code?
5. What preventive measures can be taken by a Magistrate, when a dispute concerning immovable property is likely to cause breach of peace?
6. Write short notes on:
(a) Investigation (b) Non bailable offences (c) Complaint

PART – “C” (PAKISTAN PENAL CODE)

7. What are three different kinds of punishments provided under PPC?
8. Define and distinguish between theft and criminal breach of trust.
9. Write short notes on:
(a) Form of charges
(b) Criminal conspiracy
(c) Document.

COMPULSORY QUESTION

10. Write only the correct answer in the Answer Book. Do not reproduce the questions.

(1) Whenever violence is used by an unlawful assembly, every member of such assembly is guilty of the offence of rioting :

- (a) True
- (b) False

(2) Whoever drives any vehicle --- so rash or negligent as to endanger human life:

- (a) he/she may be guilty of trespass to land
- (b) he/she may be guilty of rash driving
- (c) None of these

(3) The Pakistan Penal Code is as old as:

- (a) 1890

- (b) 1875
- (c) 1860
- (d) None of these

- (4) For the offense of attempt to murder, punishment is:
- (a) substantial fine
 - (b) Imprisonment for a term which may extend to ten years
 - (c) None of these

- (5) In culpable homicide amounting to murder:
- (a) Intention/knowledge is an essential ingredient
 - (b) intention/knowledge has no relevance at all
 - (c) None of these

- (6) The offences of Rape and adultery are:
- (a) Identical
 - (b) different
 - (c) None of these

- (7) Extradition is a:
- (a) crime
 - (b) civil wrong
 - (c) Law
 - (d) None of these

- (8) Defamation mean:
- (a) to honor and promote a person
 - (b) to hurt a person or to cause psychological injuries
 - (c) to harm the reputation of a person
 - (d) None of these

- (9) The object of Code of Criminal Procedure is:
- (a) to strengthen the economic foundations of the country
 - (b) is to ensure that the accused person gets a full and fair trial
 - (c) to elaborate the punishment
 - (d) None of these

- (10) In matters of procedure the correct principle is:
- (a) a particular procedure should be considered to be permitted if it is not prohibited.
 - (b) a particular procedure should be considered to be prohibited if it is not permitted.
 - (c) a particular procedure should be considered to be permitted even it is not prohibited

- (11) The provisions of the Criminal Procedure Code do not apply to proceeding in the:
- (a) Lower Courts
 - (b) High Courts
 - (c) Supreme Court

(d) Apply on all courts

(12) Trial is a judicial proceeding which ends in:

- (a) Conviction/acquittal
- (b) discharge
- (c) both
- (d) None of these

(13) Summary Trial is:

- (a) Speedy trial
- (b) No trial
- (c) Neither
- (d) None of these

(14) A criminal court is not competent to decide the civil rights of the parties, question like ownership and title:

- (a) True
- (b) False

(15) Presumption is always that the law will be applicable retrospectively more s when the law is of a penal nature:

- (a) True
- (b) False

(16) If a police officer investigates a non-cognizable case without an order from a Magistrate he commits an illegality:

- (a) True
- (b) False

(17) An insane/lunatic is incompetent to give evidence:

- (a) Yes
- (b) No
- (c) A court may decide

(18) The Qanun-e-Shahadat order in its rigour is not intended to apply to proceedings before an arbitrator:

- (a) True
- (b) False

(19) The word "evidence" signifies of being evident i.e., plain, apparent or notorious:

- (a) True
- (b) False

(20) The Qanun-e-Shahadat order 1984 repealed:

- (a) The Evidence Act 1908
- (b) The Evidence Act 1948

- (c) The Evidence Act 1872
- (d) None of these